

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS

Daniel Ramos and Mirian Qquehue

DEFENDANTS

The Cheesecake Factory Restaurants, Inc.

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)
Pechman Law Group PLLC, Louis Pechman & Gianfranco Cuadra, 488
Madison Avenue, 17th Floor, New York, New York 10022; Tel.:
212-583-9500

ATTORNEYS (IF KNOWN)

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

29 U.S.C. § 201 et seq., Fair Labor Standards Act; 28 U.S.C. § 1332(d), Class Action Fairness Act

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No Yes Judge Previously Assigned

If yes, was this case Vol. Invol. Dismissed. No Yes If yes, give date _____ & Case No. _____

IS THIS AN INTERNATIONAL ARBITRATION CASE?

No Yes

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

TORTS

ACTIONS UNDER STATUTES

CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
[] 110 INSURANCE	[] 310 AIRPLANE	[] 367 HEALTHCARE/	[] 625 DRUG RELATED	[] 422 APPEAL	[] 375 FALSE CLAIMS
[] 120 MARINE	[] 315 AIRPLANE PRODUCT	[] PHARMACEUTICAL PERSONAL	[] SEIZURE OF PROPERTY	[] 28 USC 158	[] 376 QUI TAM
[] 130 MILLER ACT	[] LIABILITY	[] INJURY/PRODUCT LIABILITY	[] 21 USC 881	[] 423 WITHDRAWAL	[] 400 STATE
[] 140 NEGOTIABLE INSTRUMENT	[] 320 ASSAULT, LIBEL & SLANDER	[] 365 PERSONAL INJURY	[] 690 OTHER	[] 28 USC 157	REAPPORTIONMENT
[] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	[] 330 FEDERAL EMPLOYERS' LIABILITY	[] 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY	[] PROPERTY RIGHTS		[] 410 ANTITRUST
[] 151 MEDICARE ACT	[] 340 MARINE	[] PERSONAL PROPERTY	[] 820 COPYRIGHTS	[] 880 DEFEND TRADE SECRETS ACT	[] 430 BANKS & BANKING
[] 152 RECOVERY OF DEFULTED STUDENT LOANS (EXCL VETERANS)	[] 345 MARINE PRODUCT LIABILITY	[] 370 OTHER FRAUD	[] 830 PATENT		[] 450 COMMERCE
[] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS	[] 350 MOTOR VEHICLE	[] 371 TRUTH IN LENDING	[] 835 PATENT-ABBREVIATED NEW DRUG APPLICATION		[] 460 DEPORTATION
[] 160 STOCKHOLDERS SUITS	[] 355 MOTOR VEHICLE PRODUCT LIABILITY		[] 840 TRADEMARK		[] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)
[] 190 OTHER CONTRACT	[] 360 OTHER PERSONAL INJURY	[] 380 OTHER PERSONAL PROPERTY DAMAGE			[] 480 CONSUMER CREDIT
[] 195 CONTRACT PRODUCT LIABILITY	[] 362 PERSONAL INJURY - MED MALPRACTICE	[] 385 PROPERTY DAMAGE PRODUCT LIABILITY	[] LABOR	[] 861 HIA (1395f)	[] 485 TELEPHONE CONSUMER PROTECTION ACT
[] 196 FRANCHISE			[] 710 FAIR LABOR STANDARDS ACT	[] 862 BLACK LUNG (923)	
	ACTIONS UNDER STATUTES	PRISONER PETITIONS	[] 720 LABOR/MGMT RELATIONS	[] 863 DIWC/DIWV (405(g))	[] 490 CABLE/SATELLITE TV
	CIVIL RIGHTS	[] 463 ALIEN DETAINEE	[] 740 RAILWAY LABOR ACT	[] 864 SSID TITLE XVI	[] 850 SECURITIES/ COMMODITIES/ EXCHANGE
		[] 510 MOTIONS TO VACATE SENTENCE	[] 751 FAMILY MEDICAL LEAVE ACT (FMLA)	[] 865 RSI (405(g))	[] 890 OTHER STATUTORY ACTIONS
		28 USC 2255			[] 891 AGRICULTURAL ACTS
		[] 530 HABEAS CORPUS	[] 790 OTHER LABOR LITIGATION	[] 870 TAXES (U.S. Plaintiff or Defendant)	[] 893 ENVIRONMENTAL MATTERS
		[] 535 DEATH PENALTY	[] 791 EMPL RET INC SECURITY ACT (ERISA)	[] 871 IRS-THIRD PARTY	[] 895 FREEDOM OF INFORMATION ACT
		[] 540 MANDAMUS & OTHER		26 USC 7609	
REAL PROPERTY	[] 440 OTHER CIVIL RIGHTS (Non-Prisoner)				[] 896 ARBITRATION
[] 210 LAND CONDEMNATION	[] 441 VOTING	PRISONER CIVIL RIGHTS	IMMIGRATION		[] 899 ADMINISTRATIVE PROCEDURE ACT/REVIEW OR APPEAL OF AGENCY DECISION
[] 220 FORECLOSURE	[] 442 EMPLOYMENT		[] 462 NATURALIZATION		[] 950 CONSTITUTIONALITY OF STATE STATUTES
[] 230 RENT LEASE & EJECTMENT	[] 443 HOUSING/ ACCOMMODATIONS	[] 445 AMERICANS WITH DISABILITIES - EMPLOYMENT	APPLICATION		
[] 240 TORTS TO LAND	[] 446 AMERICANS WITH DISABILITIES - OTHER	[] 550 CIVIL RIGHTS	[] 465 OTHER IMMIGRATION ACTIONS		
[] 245 TORT PRODUCT LIABILITY		[] 555 PRISON CONDITION			
[] 290 ALL OTHER REAL PROPERTY	[] 448 EDUCATION	[] 560 CIVIL DETAINEE CONDITIONS OF CONFINEMENT			

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.
AS DEFINED BY LOCAL RULE FOR DIVISION OF BUSINESS 13?

IF SO, STATE:

DEMAND \$ _____ OTHER _____ JUDGE _____ DOCKET NUMBER _____

Check YES only if demanded in complaint
JURY DEMAND: YES NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN x IN ONE BOX ONLY)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from (Specify District)	<input type="checkbox"/> 6 Multidistrict Litigation (Transferred)	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge
						<input type="checkbox"/> 8 Multidistrict Litigation (Direct File)
<input type="checkbox"/> a. all parties represented <input type="checkbox"/> b. At least one party is pro se.						

(PLACE AN x IN ONE BOX ONLY)

<input type="checkbox"/> 1 U.S. PLAINTIFF	<input type="checkbox"/> 2 U.S. DEFENDANT	<input checked="" type="checkbox"/> 3 FEDERAL QUESTION	<input checked="" type="checkbox"/> 4 DIVERSITY (U.S. NOT A PARTY)
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IF DIVERSITY, INDICATE CITIZENSHIP BELOW.

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF [X] 1 [] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF [] 3 [] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF [] 5 [] 5
CITIZEN OF ANOTHER STATE	[] 2 [X] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[] 4 [X] 4	FOREIGN NATION	[] 6 [] 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Daniel Ramos - Westchester, New York
 Mirian Qquehue - Westchester, New York

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

The Cheesecake Factory Restaurants, Inc. - 26901
 Malibu Hills Road, Calabasas Hills, California 91301 (Los Angeles County)

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

COURTHOUSE ASSIGNMENT

I hereby certify that this case should be assigned to the courthouse indicated below pursuant to Local Rule for Division of Business 18, 20 or 21.

Check one: THIS ACTION SHOULD BE ASSIGNED TO: WHITE PLAINS MANHATTAN

DATE 04/05/22

SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT

RECEIPT #

[] NO
 YES (DATE ADMITTED Mo. 12 Yr. 1985)
 Attorney Bar Code # LP-6395

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)